

Applicants : James C. Rush et al
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REMARKS:

Reconsideration of the application as amended is requested.

Applicants request a one month extension of time to respond to the outstanding Office action, and a separate petition to this effect is enclosed.

The Examiner's remarks and cited references have been received and carefully considered. Originally presented claims 2, 3, 4, 46 and 47 have been canceled without prejudice, and claims 1, 28 and 45 have been amended.

Pursuant to 37 CFR 1.121, attached are versions of the amended specification paragraphs and claims with bracket and underline markings to show those changes made in the present amendment.

Applicants note with appreciation the Examiner's comment that claims 30-44 are allowed, and that claims 4-22, 29 and 47-50 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants also note with appreciation the Examiner's comment that claim 28 would also be allowable if rewritten to overcome the § 112 (second paragraph) rejection set forth in the Office action, and to include all of the limitations of the base claim and any intervening claims. Claim 1 has been amended to include those features set forth in original claims 2, 3 and 4, such that amended claim 1, along with claims 5-29 which depend therefrom, are believed to be allowable for those reasons the Examiner deemed original claim 4 to be allowable. Also,

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claim 45 has been amended to include those features set forth in original claims 46 and 47.

Hence, Applicants believe that amended claim 45, along with dependent claims 48-50, are now believed to be allowable for the same reasons the Examiner deemed original claim 47 to be allowable.

The Examiner rejected original claim 28 under 35 U.S.C. § 112 (second paragraph) as being indefinite. More specifically, the Examiner states that in claim 28, the recitation "said slot at a lowermost end of said one post" in lines 6 and 7 does not have sufficient antecedent basis. Claim 28 has been amended to delete the phrase "at a lowermost end", which Applicants believe renders the claim definite. The "slot" feature recited in the amended paragraph of claim 28 is clearly identified in independent claim 1, and therefore has proper antecedent basis.

The Examiner rejected original claims 1-3, 23-26, 45 and 46 under 35 U.S.C. § 102(b) as anticipated by Dwillies Patent 5,277,512. The Examiner also rejected original claim 27 under 35 U.S.C. § 103(a) as unpatentable over the Dwillies Patent 5,277,512 in view of the Jones Patent 3,513,606. While Applicants believe that the original claims are clearly patentable over both the cited Dwillies and Jones patents, independent claims 1 and 45 have been amended to avoid further delay in the issuance of a patent, such that these rejections are now deemed moot. Applicants reserve the right to pursue the rejected claims in a continuing application.

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Applicants believe that all pending claims are now in condition for immediate allowance, and a notice to this effect is earnestly solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence, and all identified enclosures and attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

The paragraph beginning on page 1, line 3, has been amended as follows.

The present application is related to commonly assigned, copending U.S. Patent Application Serial No. 09/800,005, filed March 6, 2001, entitled SERPENTINE IN-FILL PANEL ARRANGEMENT FOR POST AND BEAM FURNITURE SYSTEMS, as well as U.S. Patent Application Serial No. 09/800,007, filed March 6, 2001, entitled EXTERNAL UTILITIES MANAGER FOR POST AND BEAM FURNITURE SYSTEMS, which are hereby incorporated herein by reference.

The paragraph beginning on page 14, line 11, has been amended as follows.

In-fill panels 95 may be mounted on posts 3 and beams 2 by an accessory 90, comprising a set of brackets 96 that are supported in the slots 5 of posts 3 and lowermost slots 46 of beams 2, as disclosed in greater detail in related Application Serial No. 09/800,005, filed March 6, 2001, entitled SERPENTINE IN-FILL PANEL ARRANGEMENT FOR POST AND BEAM FURNITURE SYSTEMS. Figs. 34 and 35 illustrate a top side in-fill panel bracket 101 that is mounted in the slot 5 of an adjacent post 3 by a T-fastener 100. The illustrated T-fastener includes a T-nut 102 similar to T-nut 76, having beveled side edges 103 and a central threaded aperture 104. T-nut 102 has an outwardly protruding rib 105 shaped for close reception in the neck portion 12 of post slot 5, and the body portion of T-nut 102 is

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shaped for close reception in the track portion 11 of post slot 5, as shown in Fig. 35. The illustrated T-fastener 100 (Fig. 34) also includes a threaded screw 106 shaped for threaded engagement in T-nut aperture 104, and having a round slotted head 107. As shown in Figs. 34 and 35, top side in-fill panel bracket 101 is attached to post 3 by inserting T-nut 102 into post slot 5, inserting screw 106 through an aperture 108 in the upstanding portion of the bracket 101, and threadedly engaging the free end of screw 106 in T-nut aperture 104. By tightening screw 106, bracket 101 is retained securely in the desired location on post 3, yet can be readily detached.

The paragraph beginning on page 15, line 15, has been amended as follows.

Accessories 90 may also include an external utilities manager, as disclosed in related Application Serial No. 09/800,007, filed March 6, 2001, entitled EXTERNAL UTILITIES MANAGER FOR POST AND BEAM FURNITURE SYSTEMS. Fig. 32 illustrates the attachment of vertical utilities manager 112 to an associated post 3 using T-fasteners 100 in a manner similar to the mounting of top side in-fill panel bracket 101 to post 3. Fig. 33 illustrates the attachment of a horizontal utilities manager 113 to the upper face of an associated beam 2 using T-fasteners 100 in a manner similar to the mounting of top center in-fill panel bracket 111 to the lower face of beam 2.

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Claims 1, 28 and 45 have been amended as follows.

still 102

-1- (Amended)

A post and beam furniture system for partitioning open office space, and the like, comprising:

a plurality of overhead beams, each having opposite ends;

a plurality of vertical posts, each having a lower portion thereof adapted to be abuttingly supported on a floor surface of the open office space, an upper portion thereof adapted to be connected with an associated one of said overhead beams and at least one outwardly extending flange, having an end face with a single vertical slot extending centrally therealong; [and]

a plurality of beam-to-post connectors attached to said opposite ends of said beams, and detachably retained in said slot in said posts for mounting said beams on said posts[.]; and wherein

said slot has a generally T-shaped cross-sectional configuration with an enlarged interior track portion and a reduced neck portion which opens outwardly;

said beam-to-post connectors are shaped to be inserted into an open end of said slot; and

said overhead beams each have a lowermost face with a single horizontal slot extending centrally therealong.

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2/1
-28- (Amended)

A furniture system as set forth in claim 27, wherein:

said adjustable leveling feet each include:

18
a base plate shaped to abut the floor surface;

17
an upright connected with and upstanding from said base plate, and shaped to be closely received in the hollow base of an associated one of said posts;

16
at least one retainer plate [received in said slot] [at a lowermost end] of said one post; and

at least one fastener extending laterally through said retainer plate and [into said upright.]

Repeat
102-45- (Amended)

In post and beam furniture systems of the type having a plurality of overhead beams, and a plurality of vertical posts, each having a lower portion thereof adapted to be abuttingly supported on a floor surface of the open office space, and an upper portion thereof

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adapted to be connected with an associated one of said overhead beams, the improvement comprising:

at least one X-post having an X-shaped plan configuration defining four mutually perpendicular, outwardly extending flanges, each of which has an end face with a single vertical slot extending centrally therealong for detachably interconnecting said posts and said beams in alternative configurations, and for mounting accessories at a variety of different locations[.]; and wherein

each said slot has a generally T-shaped cross-sectional configuration with an enlarged interior track portion and a reduced neck portion which opens outwardly; and

said overhead beams each have a lowermost face with a single horizontal slot extending centrally therealong.